

**REMARKS**

The application has been carefully reviewed in light of the Office Action dated June 13, 2005.

**Rejection under 35 U.S.C. § 103**

Claims 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakabayashi (JP 2001-192293), taken in view of Nicol (U.S. Patent No. 3,603,285), Cole (U.S. Patent No. 3,867,183), Witzman (U.S. Patent No. 6,202,591) and Goldstein (U.S. Patent No. 5,321,260), taken in view of Witzman alone, as well as in view of Cornelius (U.S. Patent No. 3,661,117) alone. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakabayashi taken in view of Nicol, Cole, Witzman and Goldstein for the same reasons as claim 1, taken further in view of Streetman (U.S. Patent No. 5,034,604). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Witzman taken in view of Makino (U.S. Patent No. 3,417,733) and in view of Pundsack (U.S. Patent No. 3,971,334) or Timmons (U.S. Patent Application 2002/0078894). Applicants respectfully traverse the rejections and request reconsideration.

Claims 1 and 11 have been amended to comprise a sealing mechanism positioned above the filling opening in the upper portion of the nozzle pipe for selective sealing of the filling opening. When the sealing mechanism is engaged to seal the filling opening, the sealing mechanism holds the upper end of the nozzle pipe in coaxial alignment with the melting crucible. None of the references known by the applicant or listed by the Examiner contain or teach this combination of elements.

Similarly, Claim 12 has been amended to comprise a plunger positioned above the filling opening in the upper portion of the nozzle pipe for selective sealing of the filling opening. When the plunger is engaged to seal the filling opening, the plunger holds the upper end of the nozzle pipe in coaxial alignment with the melting crucible. None of the references known by the applicant or listed by the Examiner contain or teach this combination of elements.

**Rejection under 35 U.S.C. § 102(b)**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as anticipated by Cornelius. Applicants respectfully traverse the rejection and request reconsideration.

As stated above, Claim 1 has been amended to comprise a sealing mechanism positioned above the filling opening in the upper portion of the nozzle pipe for selective sealing of the filling opening. When the sealing mechanism is engaged to seal the filling opening, the sealing mechanism holds the upper end of the nozzle pipe in coaxial alignment with the melting crucible.

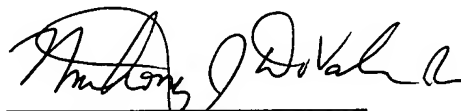
In order for a reference to qualify as prior art under 35 U.S.C. § 102, the reference must "anticipate" the claimed invention. This means that the reference must disclose each and every element of the claimed invention. In re Schreiber, 128 F.3d 1473, 1477 (Fed. Cir. 1997); Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047 (Fed. Cir. 1995); Scripps Clinic & Res. Found. v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991); Verdegaal Bros. v. Union Oil Co. of Cal., 814 F.2d 628, 631 (Fed. Cir. 1987). Cornelius does not contain a sealing mechanism for selective sealing of the filling opening. Accordingly, the rejection of claim 1 should be withdrawn.

For the reasons stated above, claims 1, 11 and 12 have been placed in a condition for allowance. Therefore, claims 2 – 10, which depend from claim 1, have been placed in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. No additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

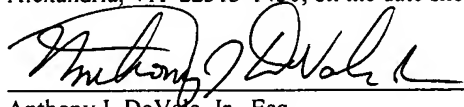


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.



Anthony J. DoVale, Jr., Esq.

7/13/2005

Date